IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.1257 of 2008
MD. SOHRAB
Versus
THE UNION OF INDIA
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2 25.11.2008 This revision has been preferred against the order dated 30.7.2008 passed by the Sessions Judge, Muzaffarpur in Criminal Appeal No.45/2008 thereby the order of rejection of bail passed by Juvenile Justice Board, Muzaffarpur dated 31.1.2008 in Customs (NDPS) case No. 32/2003 has been affirmed.

Heard learned counsel for the petitioner as well as the counsel appearing on behalf of custom department.

Submission of learned counsel for the petitioner is that on the alleged date of occurrence the petitioner was minor being less than eighteen years and has already been declared juvenile by the Juvenile Justice Board. This petitioner is in jail custody since last five years.

On the other hand, submission of learned counsel for Central Government is that Section 37 of N.D.P.S. Act prohibits granting of bail to an accused alleged to have committed offence under the provision of N.D.P.S. Act.

However, in view of Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2000 I am of the view that the petitioner being a juvenile is entitled to be released on bail.

Accordingly, this revision application is allowed. The petitioner ,namely, Md. Sohrab is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Muzaffarpur in Custom (N.D.P.S.) Case No. 32/03-04.

(Ghanshyam Prasad)

B.Jha

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